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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/762,893 | 02/13/2001 | Ursula Schindler | 02481.1734 | 1265 |

22852 7590 09/11/2003

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EXAMINER

FORD, JOHN M

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 09/11/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on July 31, 2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-11-15, and 18-26 is/are pending in the application.
- Of the above claim(s) 11, 12, 18, 19, 22 and 23 is/are withdrawn from consideration.
- ☒ Claim(s) 1-13-15, 20 and 21 is/are allowed.
- ☒ Claim(s) 24 - - 26 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☒ Other Appendix A

Office Action Summary

Art Unit:

Applicants' response of July 31, 2003, is noted.

The claims in the application are claims 1—8, 11—15 and 18—26.

The proviso at the end of claim 1 suggested the presence of close prior art.

However, in the interest of compromise claims 1—8, 13—15, 20, 21 will be allowed if claims 11, 12, 18, 19, 22 and 23—26 are cancelled, so the application can be allowed.

This is a 371 application. The content of the examined subject matter in 371 applications is governed by 37 CFR 1.475 which indicates clearly that in addition to the elected compounds applicants are entitled to have one process of preparing examined and one method of use. Angina pectoris is taken to be that method in claims 24—26. However, claims 24—26 are dependent on method claims that contain multiple uses. If claims 24—26 are rewritten as complete method claims within themselves, dependent only on claims 1 or 5, they will be examined here.

Claims 11, 12, 18, 19 and 22—26 stand withdrawn, for the reasons of record.

Note Appendix A Unity of Invention Practice in International Applications entered under 371.

DC + Rule 13.2
1134 O.G. 195 A product; a process, a method. *(upper right corner)*

1134 O.G. 197 *(lower right corner)* ~~one~~ A means one product; one process; one method.

Summary

Claims 24—26 are acceptable if rewritten as noted. The other withdrawn claims are not acceptable method claims for the reasons of record, i.e. they are multiple and

Art Unit:

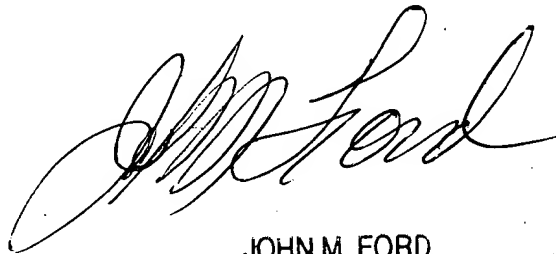
not believable on their face; no established regimen of treatment, undue experimentation to find out what host-dosage relationship would produce what result.

Note the paragraphs that the vague utility stated, was not a real world utility. (*Previous Office Action*)

If applicants want certain documents considered, a complete 1449 is needed in regard to those documents.

John M. Ford: jmr

September 5, 2003



JOHN M. FORD
PRIMARY EXAMINER
GROUP - ART UNIT *1624*